

THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.28044 OF 2005

Dt.30.12.2005

Between:

L.Madhusudhan Reddy ... Petitioner

And

The District Collector,

Ranga Reddy District and 2 others. ... Respondents

ORDER:

The petitioner questions the circular dated 6.2.2001 issued by the Joint Collector, Ranga Reddy District, informing all the Sub Registrars in the District not to entertain any documents for registration of lands for agricultural or non-agricultural purposes without prior approval or no objection certificate from the District Collector, as illegal and arbitrary.

The petitioner submits that he has purchased open land to the extent of 320 sq.yards, Plot No.35 in Survey No.227/1 situated at Bahadurpally Village, Quthbullapur Mandal, Ranga Reddy District and the same was duly registered in his favour vide Document No.4664 of 2005. The petitioner intends to sell the said land to prospective purchasers who paid considerable amount and when the petitioner approached the 3rd respondent for registration of the land in favour of prospective purchasers, he refused to register the sale deeds on account of the impugned circular.

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Revenue.

It is submitted by the learned counsel for the petitioner and admitted to by the learned Government Pleader for Revenue that the subject matter of this writ petition is squarely covered by a judgment of this Court in W.P.No.1953 of 2002, dt.11.12.2003. In the circumstances, following the said judgment, this writ petition is disposed of in the following terms.

In the impugned circular, the Joint Collector took exception to the issuance of no objection certificate by the Mandal Revenue Officers and he ultimately directed the Mandal Revenue Officers not to issue any no objection certificate for registration purpose or otherwise in respect of lands in the district without prior approval of the District Collector. A direction was also issued to all the Sub-Registrars not to entertain any documents for registration of lands in the district without prior approval or in the absence of no objection certificate from the District Collector. In a way the circular brings all the transactions in respect of lands in the district to halt. For such an exercise, the respondents must have specific power under any relevant statute. The circular has no reference to any provision of law under which it is issued.

As long as any person holds title to the property, the respondents do not have any power or jurisdiction to prevent the same from being transferred. It is not as if there is no provision of law to protect the properties of the Government. In case, any individual is found to be in possession of government land, the Andhra Pradesh Land Encroachment Act enables the revenue authorities to evict the persons in unauthorized occupation. Similarly, proceedings can be initiated under the provisions of the Andhra Pradesh Land Grabbing (Prohibition) Act where a person is found to be in possession of government land without legal entitlement. The Joint Collector has chosen the course of action, which is not permissible in law.

The Registration Act does contain a provision enabling the

government to prohibit transfer in respect of any lands. Such prohibition, however, is to be imposed by issuing a notification under Section 22(A) of the Registration Act, 1908. The Government has not chosen to issue a notification under that provision in respect of lands held by the petitioner. Viewed from any angle, this Court does not find any basis for the impugned order. The Division Bench of this Court in its judgment dated 10.9.2001 in W.A.No.1390 of 2001 took exception to such an exercise.

For the foregoing reasons, the writ petition is allowed and the impugned order is set aside. Accordingly, the 3rd respondent is directed to register the sale deeds executed by the petitioner in favour of the prospective purchasers in accordance with law. No order as to costs.

(V.ESWARAIAH, J.)

30.12.2005

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